

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

IN RE:

JAMES J. BEAL,
JANET P. BEAL

CHAPTER 13
CASE NO. 08-20862

Debtors

FIRST AMENDED ORDER ALLOWING AND DISALLOWING CLAIMS

This matter came before the Court on the Debtors' motion. After notice and hearing and for good cause shown, it is hereby ORDERED:

I. The following claims are allowed and ordered paid as follows:

A. Secured Claims. The following filed secured claims shall be allowed and paid by the trustee from funds submitted by the Debtors. The "allowed amount" states the value of the collateral for the purposes of 11 U.S.C. Section 506; the difference between the "filed claim" and the "allowed amount" (if any) shall be paid as unsecured as set forth below. Upon payment in full of the allowed amount and any applicable interest, the creditor's security interest is deemed satisfied in full.

<u>Claim No.</u>	<u>Secured Creditor</u>	<u>Filed Claim</u>	<u>Allowed Amount</u>	<u>Interest</u>
1.	Capital One Auto Finance	\$7225.00	\$3522.00	\$515.00
3.	Sanford Sewerage District	\$546.61	\$546.61	
5.	TD Bank N.A.	\$18574.97	\$11665.00	\$1,706.05
6.	Chase Home Finance	\$96096.01	\$96096.01	
	<i>Pre-petition arrears in the amount of \$8,384.81 to be paid through plan.</i>			
	<i>Post-petition arrears in the amount of \$4,472.20 to be paid through plan.</i>			
	<i>Debtor to make current ongoing mortgage payments directly to creditor.</i>			
15.	CitiFinancial, Inc.	\$80395.87	\$77,505.69	
	<i>Debtor to make current ongoing mortgage payments directly to creditor.</i>			
16.	eCAST	\$14894.22	\$14000.00	\$3073.10

- B. Priority Claims. The following filed priority claims shall be allowed and paid by the Trustee from funds submitted by the Debtors. The “allowed amount” states the amount of the claim entitled to priority status; the difference between the “filed claim” and the “allowed amount” shall be paid as otherwise proposed in this motion.

<u>Claim No.</u>	<u>Priority Creditor</u>	<u>Filed Claim</u>	<u>Allowed Amount</u>
13.	State of Maine	\$128.79	\$128.79

- C. General Unsecured Claims. The following filed general unsecured claims shall be allowed and paid by the Trustee from the funds submitted by the Debtors. The trustee will pay pro rata share after all other claims have been paid. Class I claims shall be paid a dividend of **100%**, or such greater amount as may be available after payment of all other claims; all claims are Class I claims unless otherwise specified. **The Class II claim, to the extent that it is allowed, shall be paid up to 100% based upon the unexempt proceeds of the personal injury claim. The Class II claim is The Rawlings Company (Aetna Insurance) claim.** Class III claims shall be paid a dividend of N/A. Class III claims are defined as follows: N/A. Class IV claims are “small claims” which shall be paid in full. A “small claim” is any claim for which the dividend would be \$50.00 or less which shall be allowed in the amount of \$50.00, and any claim of \$50.00 or less which shall be allowed as filed.

<u>Claim No.</u>	<u>Unsecured Creditor</u>	<u>Allowed Amount</u>	<u>Dividend</u>
1.	Capital One Auto Finance	\$8127.67	\$8127.67
2.	Granite State Mgmt Resources	\$6340.06	\$6340.06
5.	TD Bank N.A.	\$6909.97	\$6909.97
7.	CitiFinancial, Inc.	\$971.46	\$971.46
8.	Capital One	\$1351.05	\$1351.05
9.	eCAST	\$4536.32	\$4536.32
10.	eCAST	\$7282.32	\$7282.32
11.	PRA Receivables	\$1120.52	\$1120.52
12.	LVNV Funding	\$487.24	\$487.24
13.	State of Maine	\$18.00	\$18.00
14.	The Rawlings Company	\$58480.73	Claim is allowed as amended to be treated as a contingent claim and will only be paid to the extent of any unexempt personal injury settlement proceeds. (CLASS II)
16.	eCAST	\$894.22	

II. Second Amended Order. In order to accommodate the claims to be allowed pursuant to this omnibus motion, the Court hereby amends the first amended order confirming Ch 13 plan granted on March 23, 2009 as follows:

A. As of July 7, 2009, the Debtors have paid **\$8,100.00** to the Trustee. The Debtors shall pay the sum of **\$1,010.00 per month**, commencing in **July, 2009** for 46 months for a plan total of 57 months. The Debtors will also contribute a lump sum by month 57 in the amount of \$47,820.00 from the sale or refinance of the Debtors' camp and/or the exempt portion of the personal injury settlement proceeds. If claim 14 is allowed as a contingent claim, it will be paid through a lump sum from the nonexempt portion of the personal injury settlement proceeds. The total amount to be paid pursuant to the amended plan is **\$102,380.00**.

In addition, the debtors will contribute tax refunds in excess of \$1,200.00 (combined federal and state) per year, per debtor.

B. According to the Debtors the modified plan is feasible; and result of and the reasons for the modification are as follows:

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|----|--|----------------------|
| 1. | Monthly payments: | \$1,010.00 |
| | As ordered: \$900.00 | |
| | As modified: \$1,010.00 | |
| | Reason for Modification: To cure post-petition mortgage and plan arrears. | |
| 2. | Total Plan Months: | 57 |
| | As ordered: 55 | |
| | As modified: 57 | |
| | Reason for Modification: To cure post-petition mortgage and plan arrears. | |
| 3. | Lump Sum: | \$47,820.00 |
| | As ordered: \$47,820.00 | |
| | As modified: N/A | |
| 4. | Total Paid Into Plan: | \$ 102,380.00 |
| 5. | Distributions Under Plan | |
| | Trustee's Fees (10% of total) | \$ 10,238.00 |
| | Attorneys Fees allowed to date | \$ 1,000.00 |
| | Administrative Reserve | \$ 5,089.61 |
| | Total Secured Claims | \$ 42,590.62 |
| | Total Interest | \$ 5,294.15 |
| | Total Priority Claims | \$ 128.79 |
| | Total Class I Unsecured Dividend | \$ 38,038.83 |
| | Total Class II Unsecured Dividend | \$ |

Total Class III Unsecured Dividend	\$
Total Class IV Unsecured Dividend	\$
Total	\$ 102,380.00

III. The Debtors' objections to claims are sustained as follows: N/A

IV. Motion to Avoid Lien(s) Pursuant to 11 U.S.C. Section 522(f). N/A

V. Other. N/A

Date: August 17, 2009

/s/ James B. Haines, Jr.

Judge, U.S. Bankruptcy Court